

HOWARD COUNTY BOARD MEETING MINUTES
9770 Patuxent Woods Drive, Suite 200
Columbia, MD 21046
Monday September 22, 2014 at 4:00 PM
Regular Open Board Meeting

PERSONS ATTENDING:

Board Members:

Ann Balcerzak – Board President
Donna Thewes – Board Vice President - Republican
Ray Rankin – Democratic Member
Patrick Mullinix – Republican (Sub)
Donna Rice – Democrat (Sub)
Mike Molinaro – Board Counsel

ABSENT MEMBERS:

None

Staff:

Guy C. Mickley – Director
Charlotte B. Davis – Deputy Director
Carol Hart – Board Secretary

VISITORS:

Jay Gerarden

Open Session:

Ms. Balcerzak, Board President opened the September Board Meeting at 4:13 p.m. with an established quorum present.

First order of business was the Board Members reviewing the minutes from the Special July 07, 2014 open Board meeting. There was no Board Meeting during the month of August. Upon request from President Balcerzak, a motion to accept the July minutes was expressed by Donna Rice and a second was made by Patrick Mullinix. A unanimous vote was expressed by all.

President Balcerzak welcomed Jay Gerarden, an Anne Arundel County registered voter, as our guest for today's meeting.

After a brief discussion, it was determined that the 2014 Primary Election Canvassing Board would reconvene later in the meeting in order to review the Canvass Minutes.

COUNSELOR REPORT: Board Counsel Molinaro gave a brief overview regarding the status of the appeal request of the ongoing referendum petition lawsuit filed by Jane Gray, representing the Citizens to Fix Howard County group, against the Board of Elections. The Court of Special Appeals adopted an expedited schedule and briefing in late July regarding this request.

On August fourth the Court of Special Appeals heard oral arguments in the appeal brought by the Citizens to Fix Howard County over the referendum issue. The Court was aware that there was a tight deadline of approximately August 18 needed so as not to affect the General Election ballot language. After hearing the oral arguments, the Appeals Court made its decision in early August affirming the decision of the Circuit Court Judge and dismissed the petitioner's lawsuit. The basis for the Court of Special Appeals decision was it agreed there were some misleading descriptions of the underlying legislation and did not feel there was a fair and accurate summary of the law being referred.

Another appeal was filed with the highest court, the Maryland Court of Appeals, but that appeal request was denied by that court. This ended the process, although the Citizens to Fix Howard County continue to be quite vocal and active about their position regarding the referendum. Attorney Molinaro stated it was possible the group could file with the Supreme Court but he did not believe that was likely to happen. He felt the group would possibly concentrate their efforts on future legislation.

President Balcerzak expressed her belief that the case had been fully litigated and lessons were learned should future petitions be filed. An award of Attorney's fees and/or costs, in the amount of \$6000, was to be paid to the Attorneys of Howard County by the petitioning group for failure to abide by some of the discoveries and process.

Attorney Molinaro informed the group that the local Board Counsel conference calls with SBE staff will begin the following week and will be held every other Tuesday up to Election Day.

PRESIDENT REPORT: President Balcerzak stated she had minimal information to share with the group. Since last meeting on July 7, Ms. Balcerzak shared that she had kept in touch with Attorney Kevin Karpinski, regarding the status of any issues regarding the litigation case, on an as needed basis.

Director Mickley presented a calendar he had created for the Board to reference regarding important Election dates, taking them from October through Election Day and into the canvass dates.

The October Board Meeting is now scheduled for October 20, 2014, the third Monday of the month, instead of the last Monday, as Early Voting begins on October 23 and will still be in progress on October 27.

DIRECTOR REPORT: (See Attached)

In addition, Director Mickley informed the group that Early Voting information will be advertised in the Beacon, Howard County Times, local papers, Columbia Flyer as well as the Baltimore Sun newspaper.

Overseas and domestic ballots are scheduled to be mailed September 25. The count has increased to 1046 for absentee ballot requests.

The Ballot on Demand Printer will be available only at the Board of Election office for those voters who are handicapped or disabled and who took the oath on-line and emailed their ballot.

The 2014 Primary Election had no double voters. Those voters that were suspect were thoroughly investigated and proved to not have voted twice.

NEW BUSINESS: None

OLD BUSINESS: President Balcerzak requested a motion to close the open session and to convene as the Canvass Board so as to review and vote on the minutes from the 2014 Primary Canvass. A motion was made by Donna Rice and a second expressed by Patrick Mullinix.

Deputy Director Davis informed the Board of one Primary Ballot she had recently received from a voter. The Primary ballot was not received until September 19, 2014. A motion to reject the ballot, based on it being received too late to be counted, was made by President Balcerzak. Donna Thewes made the motion to reject with a second voiced by Ray Rice. A unanimous vote was expressed by all. The grand total of Primary ballots rejected too late to be counted was now 7.

Minutes for the 2014 Canvass held on June 26 for the Absentee Canvass, July 2 for the Provisional Canvass and July 7 for the second Absentee Canvass and Certification of the Primary Election were reviewed. With the correction of the dates noted on the canvass minutes, a motion to accept the minutes was expressed by Donna Rice and a second was made by Patrick Mullinix. A unanimous vote was expressed by all.

ADJOURNMENT: With no further business for the Canvass Board to address, President Ann Balcerzak called for a motion to close the Meeting of the Canvassing Board at 5:06 p.m. A motion to close today's Canvass meeting was made by Patrick Mullinix and a second was voiced by Donna Rice. A unanimous vote was expressed by all in attendance.

The Open Board Meeting reconvened at 5:06 p.m.

Director Mickley suggested that at the next Board Meeting, scheduled for October 20, and after the Board members are sworn in as the Canvass Board, they choose their officers for the 2014 General Election. This would cover anything that might occur during Early Voting requiring a decision by the Canvassing Board.

The next meeting will be on October 20, 2014 at 4:00 p.m.

Open Session adjourned at 5:07 p.m.

Respectfully Submitted,

G. Carol Hart, Board Secretary

Ann M. Balcerzak, Board President